

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:10CR304
)	8:10CR305
v.)	
)	
DANIA HERMOSILLO,)	FINAL ORDER OF
RAFAEL HERMOSILLO,)	FORFEITURE
)	
Defendants.)	
_____)	

This matter is before the Court upon the United States' Motion for Final Order of Forfeiture and Motion to Dismiss (Filing No. 77 in 8:10CR304 and Filing No. 79 in 8:10CR305).

The Court has reviewed the record in this case and finds as follows:

1. On June 21, 2011, the Court entered Preliminary Orders of Forfeiture (Filing No. 61 in 8:10CR304 and Filing No. 62 in 8:10CR305), pursuant to the provisions of 21 U.S.C. §§ 841(a)(1) and (b)(1), 18 U.S.C. §§ 371 and 984, and 31 U.S.C. § 5317(c), based upon the defendants' pleas of guilty. The defendant, Rafael Hermosillo, plead guilty to Counts I, III and the Forfeiture Allegation of the Superseding Indictment in Case No. 8:10CR305. Defendant, Dania Hermosillo, plead guilty to Count I and the Forfeiture Allegation of the Second Superseding Indictment in Case No. 8:10CR304. By way of said Preliminary Orders of Forfeiture, the defendants' interests in the business known as All Cars and Trucks, located at 7016 Railroad Avenue, Bellevue, Sarpy County, Nebraska, including all its assets and inventory, and the real property on which the business was situated, were forfeited to the United States.

2. The United States moves this Court to dismiss that part of the Forfeiture Allegations in the Superseding Indictment in Case No 8:10CR305, and in the Second Superseding Indictment in Case No. 8:10CR304, which reference the \$35,908.00 seized on April 21, 2010, from account number 110223492 at First National Bank. The United States informs the Court said sum has been returned to the defendant, Dania Hermosillo, by delivery to the trust account of her attorney, Michael P. Meckna.

3. Notice of Criminal Forfeiture was posted on an official internet government forfeiture site, www.forfeiture.gov, for at least thirty consecutive days, beginning on July 8, 2011, as required by Rule G(4)(a)(iii)(B) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. Declarations of Publication were filed herein on October 3, 2011 (Filing Nos. 69 in 8:10CR304 and 71 in 8:10CR305).

4. The United States represents one Petition was filed in response to both its published and its direct written notice. Larry Osborne filed a Petition (Filing Nos. 66 and 67) in both criminal cases alleging a secured interest in the subject real property. The United States has acknowledged this interest. By Orders dated November 8, 2011 (Filing Nos. 74 and 76), this Court decreed any action taken with respect to the real property involved in this case will be subject to the lien of Larry Osborne.

5. Other than Mr. Osborne, the United States represents no other Petitions have been filed. Based on its review of the Court file, the Court agrees.

6. The plaintiff's Motion for Final Order of Forfeiture and Motion to Dismiss should be sustained. Accordingly,

IT IS ORDERED:

A. Plaintiff's Motion for Final Order of Forfeiture and Motion to Dismiss are hereby sustained.

B. The Forfeiture Allegations in the Superseding Indictment in Case No. 8:10CR305 and in the Second Superseding Indictment in Case No. 8:10CR304, concerning the \$35,908.00 seized on April 21, 2010, from account number 110223492 at First National Bank, are hereby dismissed.

C. All right, title and interest in and to the following-described real and personal property:

The business known as All Cars and Trucks, located at 7016 Railroad Avenue, Bellevue, Sarpy County, Nebraska, including all its assets and inventory, and including the real estate on which it is situated, legally described as a tract of land consisting of part of Lot 12 ½ and a portion of Lot 12, in Albright's Choice, a Subdivision, located in the Northeast Quarter of Section 15, Township 14 North, Range 13, East of the 6th P.M., Sarpy County, Nebraska, described as follows: Commencing at the Northeast corner of Lot 12 ½ West of Railroad Avenue in Albright's Choice; thence Southeasterly along the Easterly line of Lots 12 ½ and 12, a distance of 167.7 feet; thence Southwesterly with an interior angle of 69 degrees 47 minutes, a distance of 255.98 feet to a point on the Westerly line of Lot 12; then Northwesterly along the Westerly line of Lots 12 and 12 ½, a distance of 210.8 feet to the Northwest corner of Lot 12 ½; then Easterly along the North line of Lot 12 ½, a distance of 269.2 feet to the point of beginning, together with all fixtures and appurtenances thereon.

held by any person or entity are hereby forever barred and foreclosed. This includes the interests of Jaime E. Morales and Hilda N. Morales, husband and wife, former titleholders to said real property.

D. The above-described real and personal properties be, and the same hereby are, forfeited to the United States of America.

E. The United States is directed to dispose of said real and personal properties in accordance with law. And, in so doing with respect to the real property, pursuant to the Order of this Court dated November 8, 2011, the United States will pay Larry Osborne \$32,823.40, together with interest accruing thereon at the rate of 9% *per annum* from and after June 1, 2011, plus \$900.00 representing insurance advances and attorneys fees.

DATED this 21st day of November, 2011.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court